

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND

IN RE:  
BARRY KURLANDER, A/K/A  
BARRY F. KURLANDER  
Debtor

CASE NO.: 07-1-8140-NA

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FIRST HORIZON HOME LOAN  
CORPORATION F/K/A  
FT MORTGAGE COMPANIES  
Movant

CHAPTER 13

vs.

BARRY KURLANDER, A/K/A  
BARRY F. KURLANDER  
Respondent

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**MOTION TO MODIFY STAY TO PERMIT  
FORECLOSURE OF THE DEED OF TRUST**

Now comes First Horizon Home Loan Corporation f/k/a FT Mortgage Companies by its attorneys Friedman & MacFadyen, P.A. and Michael T. Cantrell, Esquire and respectfully represent unto this court:

1. That on or about August 28, 2007 the debtor filed a voluntary petition under the provisions of 11 U.S.C. Chapter 13.
2. That the bankruptcy court has jurisdiction over this proceeding pursuant to 28 U.S.C. Section 1334 and 11 U.S.C. Section 362(a) and 28 U.S.C. Section 157.
3. That at the time of the initiation of these proceedings, the debtor is the owner of a parcel of real estate located in Collier County, as described in the attached Mortgage also known as:  
  
664 106th Avenue North, Naples, FL 34108
4. That the debtor is justly indebted to First Horizon Home Loan Corporation f/k/a FT Mortgage Companies pursuant to a Mortgage recorded among the Land Records of Collier County in Liber 4015 Page 3220. A copy of this Mortgage and InterestFirst Note is attached hereto as movant's exhibit "A".

5. That the debtor is now in default on the payment of installments due under the Mortgage to the secured creditor.

6. That the principal balance due and owing your movant pursuant to the Mortgage is approximately Two Hundred Ninety Two Thousand Dollars (\$292,000.00) through January, 2008.

7. That the debtor is presently delinquent in excess of Twenty Six Thousand Fifteen Dollars and Seventeen Cents (\$26,015.17) through January, 2008. This sum includes post petition arrears through January 31, 2008 of approximately \$14,573.65

8. That the amount necessary to pay the total debt through January, 2008 is approximately Three Hundred Eighteen Thousand Fifteen Dollars and Seventeen Cents (\$318,015.17).

9. That the debtor has not made five (5) post-petition monthly mortgage payments due and owing your movant through January, 2008.

10. That the movant believes and avers that the debtor will have no equity in said property if the total liens of foreclosure, including interest, costs and attorneys' fees exceed the value of the property.

11. That the interest of the movant in the said property is not adequately protected. The property is not necessary for an effective reorganization.

12. Further, the movant avers that it has been and continues to be irreparably injured by the automatic stay afforded the debtor pursuant to Section 362(a) of the Bankruptcy Code, which prevents the movant from enforcing its rights under its Mortgage.

13. That cause exists for lifting the automatic stay of Section 362(a) of the Bankruptcy Code to permit the movant to enforce its rights under its Mortgage.

14. The debtor's Chapter 13 Plan provides for a surrender of the aforementioned property.

WHEREFORE, your movant prays:

A. That this court enter an Order lifting the automatic stay afforded the debtor by 11 U.S.C. Section 362(a) to enable the movant to proceed with

the foreclosure sale of the said real property.

B. That this court waive the stay referenced in Federal Rule of Bankruptcy Procedure 4001(a) (3).

C. That this court grant such other and further relief as it deems necessary.

Friedman & MacFadyen, P.A.

/s/ Michael T. Cantrell

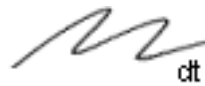
Michael T. Cantrell, Esquire

210 E. Redwood Street

Baltimore, Maryland 21202-3399

Attorney for the Movant

Maryland Bar No.: 08793

A handwritten signature in dark ink, appearing to be 'M. Cantrell', is written over a horizontal line. To the right of the signature, the letters 'ct' are printed.

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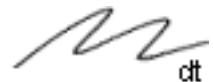
**CERTIFICATE OF SERVICE**

I hereby certify and affirm under the penalties of perjury that I served copies of the foregoing Motion to Modify Stay to Permit Foreclosure of the Deed of Trust and Notice of Motion for Relief from Stay and Hearing Thereon via the ECF system and/or by first class mail, postage prepaid to :

Jeffrey M. Sirody, Esquire 1777 Reisterstown Road Suite 360 E Baltimore, Maryland  
21208 Gerard Vetter, Trustee, 7310 Ritchie Highway Suite 715, Glen Burnie, Maryland  
21061; Barry Kurlander, 664 106th Avenue North, Naples, FL 34108; Barry Kurlander,  
1408 Hallowell Lane, New Windsor, MD 21776; on 3rd day of January, 2008.

Friedman & MacFadyen, P.A.

/S/ - Michael T. Cantrell

  
ctt

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Michael T. Cantrell, Esquire  
210 E. Redwood Street  
Baltimore, Maryland 21202-3399  
Attorney for the Movant  
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